

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY RAY THOMPSON,	:	
Plaintiff,	:	
v.	:	Civil Action No. 05-440J
TAMMARA BERNSTEIN and J.	:	
KASABACK,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 29, 2005, docket no. 2, recommending that the complaint be dismissed for failure to state a federal claim, 28 U.S.C. § 1915(e)(2)(B), without prejudice to plaintiff pursuing any state law claims in the Court of Common Pleas of Cambria County.

The plaintiff was notified that, pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff has filed miscellaneous papers which could be construed as objections, but which do not contain any reason not to adopt the Report and Recommendation.

After de novo review of the record, the Report and Recommendation, and plaintiff's responses thereto, the following order is entered:

AND NOW, this 20th day of December, 2005, it is

ORDERED that plaintiff's complaint is dismissed for failure to state a federal claim. Plaintiff may file any complaint he wishes containing state law claims in the appropriate state court. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

cc:

Anthony Ray Thompson 05-0186
Cambria County Prison
425 Manor Drive
Ebensburg, PA 15931